

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MICHAEL CARGILL	:	
	:	CIVIL ACTION NO.: 1:19-CV-349
Plaintiff,	:	
	:	
v.	:	
	:	
MERRICK B. GARLAND,	:	
IN HIS OFFICIAL CAPACITY AS	:	
ACTING ATTORNEY GENERAL	:	
OF THE UNITED STATES, et al.	:	
	:	
Defendants.	:	

**UNOPPOSED MOTION TO EXTEND BRIEFING DEADLINE
RE PLAINTIFF’S RULE 60 MOTION**

On March 28, 2023, Plaintiff filed a motion for relief under Rule 60 or, in the alternative, under Rule 59, seeking a further order of relief from this Court’s entry of judgment for Mr. Cargill following the Fifth Circuit’s *en banc* decision in *Cargill v. Garland*, 57 F.4th 447, 473 (5th Cir. 2023). *See* ECF No. 68. The Government’s response to that motion is due April 11, 2023. *See* Local Court Rules CV-7(d)(2). Because the Government intended to seek a writ of certiorari from the Supreme Court, the Government moved to stay briefing on that motion pending the Supreme Court’s disposition of the case.¹ *See* ECF No. 70. The Government now seeks a seven-day extension of its deadline, to April 18, 2023, to respond to Plaintiff’s pending motion. Plaintiff’s counsel represents that Plaintiff consents to the relief sought in this motion.

Good cause exists to grant this motion. This is the first extension sought with regard to this motion and it will not affect other deadlines in this case. The purpose of the extension is to permit the Court time to consider the Government’s pending motion to stay the case, including the

¹ The Government filed its anticipated petition on April 6, 2023.

Plaintiff's response, if any. *See* ECF No. 70. The extension will preserve to the parties the benefit of the relief sought in that motion—specifically, the conservation of the parties' resources and the avoidance of unnecessary briefing. As noted above, Plaintiff consents to this extension.

Accordingly, Defendants respectfully ask this Court to extend the Government's deadline to respond to Plaintiff's pending motion.

Dated: April 10, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN
Assistant Branch Director
Federal Programs Branch

/s/ Michael F. Knapp
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Counsel for Defendants

CERTIFICATE OF CONFERENCE

I hereby certify that on April 10, 2023, I conferred with Counsel for Plaintiff via email and Counsel for Plaintiff represents that Plaintiff consents to the relief requested.

/s/ Michael F. Knapp

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